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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,097

11/25/2003

Miwa Kozawa

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38834

7590

06/11/2009

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EXAMINER

CHACKO DAVIS, DABORAH

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

06/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,097	<b>Applicant(s)</b> KOZAWA ET AL.	
	<b>Examiner</b> DABORAH CHACKO DAVIS	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7, 10-20, and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 10-20, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over EP1152036 (Kanda et al., hereinafter referred to as Kanda) in view of U. S. Patent No. 5,173,393 (Sezi et al., hereinafter referred to as Sezi) and U. S. Patent No. 3,912,450 (Boucher).

Kanda, in [0001], [0006], [0007], [0008], [0016], [0020], [0023], [0024], discloses a process for forming a resist pattern by forming a resist pattern on a substrate (underlying object), heating the resist pattern formed on the substrate to a temperature of 50 to 140°C, applying a water-soluble resin composition (a resist pattern thickening material) on the resist pattern, wherein the resist pattern thickening material includes a metal-free surfactant (second surfactant). Kanda, in [0038], discloses that the fine resist pattern formed after the thickening process and developing, can be used as a mask to form trenches or holes in the underlying semiconductor substrate (by etching thru the mask). Kanda, in [0024], discloses that resist pattern to be thickened (resist pattern) is coated with a coating layer (resist pattern to be thickened) and is then subjected to a heat treatment (prebaking) (claims 1-3, 7, 20, and 22). Kanda, in [0009], [0011], [0012], [0016], [0018], [0019], [0022], discloses that the resist pattern thickening

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material is a water-soluble resin composition that includes i) a resin such as polyvinyl alcohol, ii) a crosslinking agent such as a melamine derivative, iii) an organic solvent such as alcohol solvents, ester solvents, and ether solvents (claims 10-15). Kanda, in [0024], discloses that the resist pattern thickening material (coating material) is developed in pure water, after applying the coating material onto the resist pattern (claims 16-17). Kanda in [0023], discloses that the resist pattern material is an ArF resist (resist exposed using an ArF excimer laser) (claim 18).

The difference between the claims and Kanda is that Kanda does not disclose applying a first surfactant on the resist pattern to be thickened. Kanda does not disclose that the resist pattern is heated after applying the surfactant. Kanda does not disclose that the surfactant composition is a metal-free surfactant such as a non-ionic surfactant and is selected from the group recited in the claim. Kanda does not disclose that the surfactant composition includes a solvent that does not dissolve the resist pattern to be thickened, and that the solvent is water (claims 4-5). Kanda does not disclose that the ArF resist material is selected from the group recited in claim 19.

Sezi, in col 6, lines 60-68, in col 8, lines 9-11, discloses that a surfactant solution that is metal-free, and is non-ionic, such as alcohol is applied on the photoresist structure, and the treated photoresist structure is dried by heating. Sezi, in col 7, lines 30-58, discloses that the photoresist structure is treated with a reactant that comprises isopropyl alcohol (non-ionic surfactant) and has a solvent such as water (that does not dissolve the resist pattern). Sezi, in col 3, lines 3-6, in col 4, lines 44-60, discloses that the photoresist material that forms the photoresist structure is derived from

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polymerization or copolymerization of olefinically unsaturated anhydrides, and that the anhydrides can be cyclic.

The difference between the claims and Kanda in view of Sezi is that Kanda in view of Sezi does not disclose the non-ionic surfactants recited in the claims 1, 20, and 22.

Boucher, in col 5, lines 28-42, discloses the use of nonionic polyoxyethylene as a nonionic surfactant. Boucher, in col 9, lines 7-12, that the polyoxyethylene is a derivative of a primary alcohol based compound.

Therefore, it would be obvious to a skilled artisan to modify Kanda by employing the process of treating the resist pattern to be thickened with a surfactant solution as suggested by Sezi and use the nonionic surfactant suggested by Boucher in the surfactant solution because Sezi, in col 7, lines 3-8, and in col 8, lines 38-55, discloses that the resultant photoresist structure has an increased etch resistance and is therefore suitable to be used as an etch resistant mask. It would be obvious to a skilled artisan to modify Kanda by employing the resist pattern material suggested by Sezi because Sezi, in col 4, lines 44-55, discloses that the resist material used for forming the photoresist structure includes reactable groups such as anhydrides that do not exhibit an increased absorption of DUV light.

### ***Response to Arguments***

3. Applicant's arguments filed February 9, 2009, have been fully considered but they are not persuasive. The 103 rejection made in the previous office action (paper no. 20081001) is maintained.

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A) Applicants argue that none of the references teaches the non-ionic surfactants recited in the claim, and that Boucher teaches a nonionic polyoxyethylene that is a secondary alcohol-based compound and not a primary alcohol ethoxylate structure.

Neither Kanda nor Sezi is relied upon to disclose the non-ionic surfactants listed in the claims. Boucher is relied upon to disclose the use of a polyoxyethylene non-ionic surfactant. Boucher, in col 5, lines 16-28, illustrates the structure of the polyoxyethylene derivative is a linear alcohol based derivative, and illustrates that the OH group is connected to the first or primary carbon and not the secondary carbon atom, wherein the first or primary carbon atom is bonded to only one other carbon atom and not two carbon atoms i.e., the derivative is a primary alcohol based compound.

B) Applicants argue that the structure of applicant's PC-6 surfactant, as presented in the attached disclosure of the arguments, is a special phenol ethoxylate and is different from the nonionic polyoxyethylene structure disclosed by the references (viz., Boucher).

None of the claims recite a nonionic surfactant such as PC-6 or a phenol ethoxylate based surfactant. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a nonionic surfactant such as PC-6 or a phenol ethoxylate based surfactant ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims recite a nonionic polyoxyethylene derivative that is primary alcohol based compound, and is disclosed in Boucher, as explained in argument A) above.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (571) 272-1380. The examiner can normally be reached on M-F 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dcd

June 4, 2009.

/Mark F. Huff/  
Supervisory Patent Examiner, Art Unit 1795